

Grant County Planning Commission

June 23rd, 2003

The June 23 2003 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Nick Kinman, Bill Marksberry, Brooke Rider, Stephen Fritz, Stephen Mann, Marvin Faulkner, Tom Neinaber and Tony Pangallo.

There was a quorum present.

ITEM 1. JUNE 12 MINUTES

Stephen Fritz made a motion to approve the meeting minutes for June 12, Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2. MAY FINANCIAL REPORT

Vernon Webster made a motion to approve the May financial report, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3. ADMINISTRATORS REPORT

Jonathan stated that at the beginning of each fiscal year the Commission prepares a report on the projects it plan to work on in the coming year. He said that this year he has asked each legislative body to decide on a planning project that they would like the planning office to work on and that the Commission should also decide on a project that they feel needs to be addressed.

ITEM 4. TEXT AMENDMENT - CITY OF WILLIAMSTOWN

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

John Lawrence read the City of Williamstown's request to add Bread and Breakfast to the A1 zone.

Jonathan asked Doug Beckham if it would be listed as a Conditional Use.

Doug stated that it would be.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against.

John Lawrence declared the public hearing closed.

Nick Kinman made a motion to approve the request, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 5. WITHDRAWN

ITEM 6: ZONE CHANGE - KINMAN A1 TO R1

APPLICANT: Claude Kinman

GENERAL LOCATION: An approximate 1 acre area located on the south side of Sherman Mt. Zion Rd., 0.4 miles east of Elliston Mt. Zion Rd.

REQUEST: to change the zoning of the property from A1 - Agricultural-One to R1 - Residential-One

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Kinman stated that the request was so that he could build a new house and that his son was going to live in the house that he now lives in.

John Lawrence asked if anyone wished to speak for or against the request.

Leroy Simpson stated that he owned 2 tracts on Sherman Mt. Zion Road and when he applied for a permit he was informed by the surveyor that he had to forfeit a number of feet to the state and when he got the survey there was a place to get notarized giving the property to the state. He asked since when did a contract be valid without a money transaction and some property is taken by imminent domain and huge amounts of money.

Jonathan stated that when residential property is divided it is required in the subdivision regulations that the roadway be a certain width or the property owner is to dedicate right-of-way if needed.

Jonathan read the staff recommendation, which was approval of the zone change because the proposal is in compliance with the adopted Comprehensive Plan. Findings in support of this recommendation are: 1. proposed development does "encourage the use of viable agricultural development." 2. the roadway is sufficient enough to accommodate the amount of traffic that could be generated from the proposed zoning classification. With the condition: 1. the property owner should supply the office with a copy of an encroachment permit from the Kentucky Department of Highways. If the property owner cannot obtain an encroachment permit, this lot would be considered "non buildable."

Mr. Kinman that he had a permit from the state.

John Lawrence declared the public hearing closed.

Stephen Mann made a motion to approve the request based on the staff findings in the staff report with the condition that an encroachment permit from the state be provided, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 7: ZONE CHANGE - MANN A1 TO R1

APPLICANT: Ronnie Mann

GENERAL LOCATION: An approximate 2.3168 acre area located on the south side of Lemon Northcutt Rd., 0.45 miles east of Old Lexington Pike

REQUEST: to change the zoning of the property from A1 - Agricultural-One to R1 - Residential-One

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Logan Murphy stated that the request was for 2.3 acres about ½ mile out Lemon Northcutt Road on the South side. He said this would be coming out of a 73-acre farm and that the 2.3 acres has a home on it.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was approval of the zone change because the proposal is in compliance with the adopted Comprehensive Plan. Findings: 1. the property should be used for "limited" residential development per the current Comprehensive Plan. 2. the roadway is sufficient enough to accommodate the amount of traffic that could be generated from the proposed zoning classification since there is an existing home on the property. 3. there is no evidence to support a finding that the current zoning classification is inappropriate and the proposed zoning classification is appropriate. 4. there has been no evidence provided to this office that there has been major changes in economic, physical or of a social nature in the area that were not anticipated by the current Comprehensive Plan.

Stephen Mann made a motion to approve the request based on the staff findings in the staff report, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 8: ZONE CHANGE - SPEARS R1 TO CBD

APPLICANT: Larry Spears

GENERAL LOCATION: An approximate 0.3 acre area located on the east side of Broadway, north of Short Race St.

REQUEST: to change the zoning of the property from R1 - Residential-One to CBD - Central Business District

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Jerry Keith stated that the request was to rezone 3/10 of an acre just west of Short Race St. and Broadway from R1 to CBD. He stated that the plans were to put the R& D Tobacco building and another building on this property after it is joined to the adjoining existing CBD property. He stated that he feels that the CBD zone fits into the area and that the site plan for this lot is on the agenda for this meeting.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation, which was tabling the proposed zone change request because of lack of information and concerns of roadway capacity. Findings: 1. no evidence has been found that the property will in fact be attached to the

adjoining property to create a larger parcel able to handle a commercial building. 2. no traffic analysis has been done for the proposed zone change request. Can the property handle the additional traffic that a commercial zoning classification poses? Can the current roadway (KY22) handle the additional traffic that could be generated? 3. the Concept Development Plan, submitted as part of the application, does not show the proposed building location nor does it show any setbacks or "proposed" entrances that could mitigate the traffic generation. A more detailed analysis of the property should be completed before a proper investigation can be performed by this office.

Jerry Keith stated that the plan he presented to the commission is more detailed and shows 1 entrance and 1 exit. He stated that his will be a small business with most traffic through the drive through. He stated that he wanted to put more parking on lot but this is what the owner wanted. He also stated that the CBD had no listed parking requirement or any required buffer area. He said that the owner would ask that the plat either be approved or denied and not tabled.

Jerry Keith stated that there have been conveyance plats submitted showing the plans of combining the properties, he said that Broadway was recent widened and he feels that it will handle the traffic of this business. He also stated that the entrances are shown on the plat presented to the commission and the setbacks are shown.

Jonathan asked if the plan presented to the Commission was being made part of the application. Jerry stated that it was.

Stephen Mann made a motion to approve the request based on the findings that other properties in the area are currently zoned CBD and there are fewer residential zones in the area, Vernon Webster seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: EAGLE CREEK ESTATES PHASE 1 - FINAL

John Lawrence read a letter from Erpenbeck Engineers stating that they recommend approval of the Preliminary and Final plat.

Nick Kinman made a motion to approve the plat, Stephen Fritz seconded the motion. A hand vote was taken all members in attendance of the meeting voting in favor of the motion. Motion passes.

ITEM 10: BOWLING CAR WASH - SITE PLAN

Craig Moore stated that the plan was for a 5 bay car wash adjacent to Advance Auto Parts.

John Lawrence read a letter from Erpenbeck Engineers stating that they recommend approval of the plan with the condition that erosion control measure be added along the south property line.

Craig stated that those had been added to the plan the Commission had.

The Commission asked if there was going to be a cut onto Kings Heights and were concerned with the traffic coming out of the car wash onto Hwy. 25.

Craig said that there was not going to be a cut onto Kings Heights.

Nick Kinman made a motion to approve the plan, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 11: R&D TOBACCO INC - SITE PLAN

John Lawrence read a letter from Erpenbeck Engineers stating that they recommend approval of the plat and recommended waiving the storm water detention requirements.

Tony Pangallo stated that there are certain waivers the Commission can grant, he said that normally 2 acres and under of hard surface area does not change the water alot and that the amount of water cannot be physically contained.

Jerry Keith stated that he provided pre and post calculation and Erpenbeck recommended the waiver.

Tony stated that there would be less water running toward Broadway than there is currently.

Jerry Keith said that the developer was aware that the zone change must be approved and if the zone change was denied that the plan would be null and void.

The Commission questioned the limited number of parking spaces.

Jerry stated that the plan shows what the developer wanted on the plan and that most of the business is through the drive-through.

Marvin Faulkner made a motion to approve the plan with the waiver and with the condition that the zone change be approved, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 12: DYER GAS STATION - SITE PLAN

the applicant stated that this plan was to replace the gas station that burned 2 months ago. He said that they are going to build in the same spot with the same configuration.

Marvin Faulkner made a motion to approve the plan, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 13: CONVEYANCE PLATS - JUNE

Vernon Webster made a motion to approve the list of conveyances, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 14: EXECUTIVE SESSION

none

ITEM 15: OTHER BUSINESS

Stephen Mann asked about the Commission holding the meeting in the cities. Jonathan stated that some of the cities didn't like the idea. He said that he will be asking the cities for ideas for the Commission's projects for the next year, if they have any special areas of concern or ideas that they would like for the Commission to study.

Item 16. Adjournment

Nick Kinman made a motion to adjourn, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE